

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

HERSCHELL SEABOLT,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS ET
AL.,

Defendants.

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CASE NO. 5:20-CV-00072-RWS-JBB

ORDER

The above-captioned lawsuit was severed out of a larger case. *See* Docket No. 1. Plaintiff Herschell White was ordered to file an amended complaint and to pay the filing fee or seek leave to proceed *in forma pauperis*. *Id.* at 3. Plaintiff did not respond in any way to this order, and the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 4. A copy of this Report was sent to Plaintiff at his last known address but was returned as undeliverable and unable to forward. Docket No. 5. To date, Plaintiff has not notified the Court of his current mailing address or present whereabouts, nor has he contacted the Court in any way.

Because Plaintiff has filed no objections to the Report, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918 (1989) (explaining that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

ORDERED that all motions which may be pending in case are **DENIED**.

So ORDERED and SIGNED this 5th day of December, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE